

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 283 - HB 904

March 6, 2021

SUMMARY OF ORIGINAL BILL: Authorizes a district attorney general to petition and a court to issue a protective order prohibiting a defendant and a defendant's counsel from publishing a law enforcement informant's name, contract information, or statements at any time prior to or during a trial. Creates a Class E felony offense for knowingly violating such a protective order.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$1,800 Incarceration*

SUMMARY OF AMENDMENT (004397): Deletes and replaces all language after the enacting clause such that the substantive changes are to : (1) expand such protective order eligibility to victims of a sexual offenses and witnesses expected to testify against a defendant changed with a crime involving a weapon or the use of force; (2) requires a petition to be certified or supported by an affidavit of the victim, informant, or witness, and (3) specifies that good cause for issuing such a protective order may include that allowing the defendant to publish the information is likely to result in coercion, intimidation, or harassment designed to discourage the victim, informant, or witness from testifying at trial or appearing as a witness.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – \$17,600 Incarceration*

Assumptions for the bill as amended:

- The proposed legislation will result in one admission every year.
- According to the DOC, the average operating cost per offender per day for calendar year 2021 is \$80.46.
- Population growth and recidivism will not impact these admissions.
- The average time served for a Class E felony is 0.6 years.
- Pursuant to Tenn. Code Ann. § 9-4-210, one offender will be admitted every year serving 219.15 days (0.6 x 365.25). The annualized increase in state incarceration expenditures is estimated to be \$17,633 (\$80.46 x 219.15 x 1).

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive, flowing style.

Bojan Savic, Interim Executive Director

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